

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 28968 of 2006(W)

PETITIONER:

THE TRIVANDRUM DISTRICT CO-OPERATIVE
BANK, TRIVANDRUM, REPRESENTED BY ITS
GENERAL MANAGER.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

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1. THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, PATTOM, TRIVANDRUM.
 2. THE RECOVERY OFFICER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, PATTOM, TRIVANDRUM-695004.
 3. KATTAKKADA EDUCATIONAL CO-OPERATIVE
SOCIETY LTD NO.KP-12560, KATTAKKADA,
TRIVANDRUM, REPRESENTED BY ITS SECRETARY.
 4. K.SHAHUL HAMEED, ALIM MANZIL,
K.B.NAGAR- 199, ERAVIPURAM P.O.,
KOLLAM-1.

R1&2 BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE ORDER IN ARC 68/06 DT.16.8.2006.

P2: TRUE COPY OF NOTIFICATION DT.7.7.2006.

P3: TRUE COPY OF LETTER DT.20.6.2006.

P4: TRUE COPY OF LETTER DT.18.7.2006.

P5: TRUE COPY OF LETTER DT.9.8.2006.

P6: TRUE COPY OF LETTER DT.18.8.2006.

P7: TRUE COPY OF LETTER DT.24.8.2006.

P8: TRUE COPY OF LETTER DT.30.8.2006.

P9: TRUE COPY OF CLAIM PETITION DT.28.8.2006.

P10: TRUE COPY OF LETTER DT.4.9.2006.

P11: TRUE COPY OF LETTER DT.15.9.2006.

P12: TRUE COPY OF LETTER DT.18.9.2006.

P13: TRUE COPY OF LETTER DT.20.9.2006.

P14: TRUE COPY OF LETTER DT.4.10.2006.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.28968 of 2006
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Dated this the 3rd day of April, 2007.

JUDGMENT

Dispute is between petitioner and first respondent with regard to priority in claim for recovery of arrears from common defaulter i.e. third respondent-society. It is conceded that first respondent has statutory charge over the properties of the defaulter. Therefore, first respondent has priority over petitioner's claim for recovery of award amount. In the circumstances, W.P. is disposed of directing the petitioner to clear the arrears of Provident Fund with interest due from third respondent to first respondent and on clearing the arrears, petitioner is free to proceed for sale of the property of the third respondent for recovery of arrears due to petitioner. The petitioner will make payment to the first respondent within two months from today, failing which first respondent can proceed for sale of the property. The petitioner is free to clear the arrears of first respondent notwithstanding the restrictions imposed by this court through interim orders of general nature in any other case.

C.N.RAMACHANDRAN NAIR
Judge

pms